

PRELIMINARY DRAFT: MAY 1, 2006

PROPOSED REGULATION ORDER

AIRBORNE TOXIC CONTROL MEASURE TO REDUCE FORMALDEHYDE EMISSIONS FROM COMPOSITE WOOD PRODUCTS

Adopt new section 93120, Title 17, California Code of Regulations, to read as follows:

Section 93120. Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products.

(a) Purpose. The purpose of this airborne toxic control measure is to reduce formaldehyde emissions from composite wood products that are sold, supplied, offered for sale, used, or manufactured for sale in California. Composite wood products include particleboard, medium density fiberboard, and hardwood plywood, as well as finished products made from these materials.

(b) Applicability. This airborne toxic control measure applies to:

- (1) Manufacturers of composite wood products that manufacture, sell, supply, or offer these products for sale in California, and
- (2) Distributors and importers of composite wood products that sell, supply, or offer these products for sale in California, and
- (3) Fabricators that use composite wood products to make other products that are sold, supplied, or offered for sale in California, and
- (4) Retailers of composite wood products and finished products that are made from composite wood products, that sell, supply, or offer these products for sale in California.

(c) Definitions. For the purposes of this section, the following definitions shall apply:

- (1) "AHA" means the American Hardboard Association.
- (2) "ARB" means the California Air Resources Board.
- (3) "ASTM" means the American Society for Testing and Materials.

- (4) “ANSI” means the American National Standards Institute.
- (5) “Business” means an entity organized for profit including, but not limited to, an individual, sole proprietorship, partnership, limited liability partnership, corporation, limited liability company, joint venture, associate or cooperative, or solely for the purposes of the Prompt Payment Act (Government Code 927 et seq.), a nonprofit organization.
- (6) “Composite Wood Products” means the engineered wood product including particleboard, medium density fiberboard, or hardwood plywood.
- (7) “Distributor” means any person to whom a composite wood product is sold or supplied to for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.
- (8) “Executive Officer” means the Executive Officer of the California Air Resources Board, or his or her delegate.
- (9) “Fabricator” means any person that uses composite wood products to make other products for sale or supply in California.
- (10) “Facility” means the entity where composite wood products are manufactured, used, or sold in California. This includes, but is not limited to, manufacturing plants, distribution centers, warehouses, and retail stores.
- (11) “Fiber” means the slender threadlike elements of wood or similar cellulosic material, which are separated by chemical and/or mechanical means, as in pulping, that can be formed into boards.
- (12) “Fiberboard” means a composite panel composed of cellulosic fibers (usually wood or agricultural material) made by wet or dry forming and compacting a mat of fibers by a cold press. Fiberboard is used primarily for interior partition walls for sound deafening properties and as an underlayment in roofing applications. Fiberboard density is typically less than medium density fiberboard. The ANSI standard associated with fiberboard is ANSI/AHA A194.1-1985 (cellulosic fiberboard).
- (13) “Finished Goods or Products” means any good or product, other than a panel, containing hardwood plywood, particleboard, or medium density fiberboard.
- (14) “Formaldehyde” means a colorless gas at room temperature, that at elevated concentrations, has a strong, pungent odor and can be irritating to the eyes, nose, and lungs (i.e., CAS No. 50-00-0).

(15) “Hardboard” means a composite panel composed of cellulosic fibers made by dry or wet forming and hot pressing of a resinated fiber mat. Hardboard is primarily used for wall panelings, sidings, furniture, and cabinetry. The ANSI standards associated with hardboard are ANSI/AHA A135.4-1995 (basic hardboard), ANSI/AHA A135.5-1995 (prefinished hardboard paneling), and ANSI-AHA A135.6-1998 (hardboard siding).

(16) “Hardwood” means the wood of a deciduous broad-leafed tree. Examples of hardwoods include, but are not limited to, aspen, birch, and oak.

(17) “Hardwood Plywood” means a panel, molding, or other structural building material composed of an assembly of layers or plies of veneer or veneers, in combination with lumber core, particleboard core, medium density fiberboard core, hardboard core, or of a special core material joined with an adhesive. Except for special constructions, the grain of alternate plies is at right angles, and the face veneer is a hardwood or selected softwood species.

(18) “Importer” means a person who manufactures or wholesales, through employees or agents, composite wood products manufactured outside of the United States for the purpose of sale or resale in California.

(19) “Manufacturer” means any person who imports, manufactures, assembles, produces, packages, or repackages a composite wood product (see Government Code section 14887(c) – needs to be checked).

(20) “Medium Density Fiberboard” means a composite wood product panel, molding, or other structural building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat (ANSI A208.2-202, medium density fiberboard).

(21) “Panel” means ...

(22) “Particle” means a distinct fraction of wood or other cellulosic material produced mechanically and used as the furnish for a particleboard. Particles are larger in size than fibers.

(23) “Particleboard” means a composite wood product panel, molding, or other structural building material composed of cellulosic material (usually wood) in the form of discrete pieces or particles, as distinguished from fibers, which are pressed together with resin.

(24) “Person” shall have the same meaning as defined in Health and Safety Code section 39047.

(25) “Plywood” means a panel product consisting of layers of wood veneers hot pressed together with resin. Plywood includes panel products made by hot

pressing (with resin) veneers to a substrate such as other veneers, particleboard, medium density fiberboard, or lumber.

(26) “Retailer” means any person who sells, supplies, or offers for sale, composite wood products, either finished or in panel form, directly to consumers.

(27) “Softwood” means the wood of a coniferous tree. Examples of softwoods include, but are not limited to, southern yellow pine, Douglas-fir, and white spruce.

(28) “Softwood Plywood” means an engineered panel built up of veneer plies for exterior applications.

(29) “Third Party Certifier” means an entity, such as the Composite Panel Association or Hardwood Plywood & Veneer Association, that certifies the emission test procedures and facilities used by manufacturers to conduct formaldehyde emission tests.

(30) “Veneer” means thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

(d) Emission Standards for Hardwood Plywood, Particleboard, and Medium Density Fiberboard.

(1) *Emission Standards.* The emission standards in Table 1 apply to hardwood plywood (HWPW), particleboard (PB), and medium density fiberboard (MDF) that is sold, supplied, offered for sale, or manufactured for sale in California.

Except as provided in the “sell through” provisions of subsections (e)(2), (f)(3), (g)(3), (h)(3), and (h)(4), no person shall sell, supply, offer for sale, or manufacture for sale in California any HWPW, PB, or MDF which, at the time of sale or manufacture, exceeds the emission standards in Table 1 on or after the effective dates specified in Table 1:

<p style="text-align: center;">Table 1 Phase 1 and 2 Emission Standards for Hardwood Plywood (HWPW), Particleboard (PB), and Medium Density Fiberboard (MDF)¹</p>			
Effective Date	----- Phase 1 (P1) and 2 (P2) Emission Standards -----		
	HWPW	PB	MDF
July 1, 2008	P1: 0.09 ppm	P1: 0.15 ppm	P1: 0.19 ppm
July 1, 2010	P2: 0.03 ppm	P2: 0.05 ppm	-----
January 1, 2012	-----	-----	P2: 0.05 ppm
⁽¹⁾ Based on the large chamber test method (ASTM E1333-96) in parts per million (ppm).			

(2) *Exemptions.* The emission standards in subsection (d)(1) do not apply to products specified for use in mobile homes that are subject to the United States Housing and Urban Development regulations (*Code of Federal Regulations ...*).

(3) *Compliance Testing.*

(A) Compliance with the emission standards for composite wood panels in subsection (d)(1) shall be demonstrated by conducting product emissions tests using the large chamber test method (ASTM E1333-96); or an alternate test procedure as specified in subsection (d)(3).

(B) Test methods other than ASTM E1333-96 (i.e., large chamber test) may be used if they are demonstrated to provide equivalent results to those obtained using ASTM E1333-96. All alternative test methods must be approved in writing by the Executive Officer prior to use as specified in subsection (d)(3)(C).

(C) An application to use an alternative test method must be submitted to the ARB in writing, and must include, at a minimum, the following information and data:

1. A complete description of the test method used to quantify product emissions, including all procedures used, precision and reproducibility, and the criteria used to verify the validity of the test (e.g., modified small chamber test procedure, quality assurance and quality control measures).

2. Results collected using the alternate test method and corresponding equivalent emission rate(s), as stipulated in the large chamber test method (ASTM E1333-96)

(D) Within 30 days of receipt of an application, the Executive Officer shall notify the applicant in writing that the application is complete, or if additional

information or testing is required to complete the application. If the Executive Officer finds that an application meets the requirements of this subsection, then he or she may issue an Executive Order certifying that the alternate test procedure provides equivalent results to ASTM E1333-96, and authorize its use for compliance testing.

(e) Requirements for Manufacturers of Hardwood Plywood, Particleboard, and Medium Density Fiberboard.

(1) *Emission Standards.* Except as provided in the “sell through” provisions in subsection (e)(2), all manufacturers of HWPW, PB, and MDF must comply with the requirements of subsection (d). All HWPW, PB, and MDF manufactured on or after the effective dates specified in subsection (d)(1) must meet the emission standards specified in subsection (d)(1). Compliance with the emission standards shall be determined by third party certifiers as specified in subsection (e)(3).

(2) *Sell-through of Composite Wood Products Manufactured Before the Effective Dates of the Phase 1 and Phase 2 Standards.* Composite wood products manufactured before the phase 1 and phase 2 effective dates specified in subsection (d) may be sold, supplied, or offered for sale by the product manufacturer for up to one month after each of the specified effective dates. The specific sell through dates for the phase 1 and phase 2 standards are as follows:

(A) Hardwood plywood, particleboard, and medium density fiberboard manufactured before July 1, 2008 that does not meet the phase 1 emission standard may be sold, supplied, or offered for sale by the product manufacturer until July 31, 2008. Beginning August 1, 2008, all products subject to the phase 1 standard must meet this standard, regardless of the date on which the products were manufactured.

(B) Hardwood plywood and particleboard manufactured before July 1, 2010 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, or offered for sale by the product manufacturer until July 31, 2010. Beginning August 1, 2010, all HWPW and PB subject to the phase 2 standard must meet this standard, regardless of the date on which the products were manufactured.

(C) Medium density fiberboard manufactured before January 1, 2012 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, or offered for sale by the product manufacturer until January 31, 2012. Beginning February 1, 2012, all MDF subject to the phase 2 standard must meet this standard, regardless of the date on which the products were manufactured.

(3) *Third Party Certification.*

(A) Manufacturers of HWPW, PB and MDF must demonstrate compliance with the emission standards specified in subsection (d)(1) via third party certification. Third party certification may be achieved through an approved, independent certifier that follows the ARB's third party certification requirements set forth in Appendix 1 *(to be written later; they will be a modified version of the Composite Panel Association's Grademark Program (Composite Panel Association, 1998) or the Hardwood Plywood & Veneer Association's Testing and Inspection Program (Hardwood Plywood & Veneer Association, 2005), or an equivalent third party certification program approved by the Executive Officer.*

(B) *Equivalent Third Party Certification.* Applications for "equivalent third party certification," must be submitted in writing (i.e., certification application) to the Executive Officer. Within 30 days of receiving an application for certification, the Executive Officer will contact the applicant in writing and notify them if additional information is needed. When a complete application has been received, ARB will review the application and notify the applicant in writing, as to whether their application is approved. If an application is not approved, applicants may provide additional information and reapply for certification. If the new information is sufficient, the Executive Officer may approve the application.

The certification application must contain, at a minimum, provisions requiring that:

***** *To be drafted for the next version* *****

(4) *Product Labeling Requirements.* Each HWPW, PB, and MDF panel must be clearly labeled to indicate compliance with the emission standards specified in subsection (d)(1). The label shall be applied as a stamp, tag, or bar code on every panel produced. The label shall include, at a minimum, all of the following information:

1. Manufacturer name;
2. Date of production;
3. Product lot number or batch produced; and

4. ARB-designated marking (to be specified) to denote that the product complies with the applicable phase 1 or 2 emission standards specified in subsection (d)(1).

(5) *Records Maintenance and Emissions Data Reporting Requirements.*

(A) *Phase 1 Standards.* Beginning July 1, 2008, manufacturers of HWPW, PB, and MDF must maintain records documenting the procedures used, quality control data, and laboratory test results, including, but not limited to, ASTM E1333-96 test results conducted on a quarterly (or more frequent) basis, results from tests conducted on-site during periods between ASTM E1333-96 tests with either small-chambers (ASTM No. D6007-02) or desiccators (ASTM No. D5582), and other applicable quality control data.

Each ASTM 1333-96 test shall be assigned a unique identification number that serves as the basis for tracking the compliance of HWPW, PB, and MDF offered for sale in California to its applicable phase 1 emission standard. At a minimum, emissions test data for each product certified to a phase 1 standard in subsection (d)(1) must be kept for a period of three years.

All manufacturers subject to this regulation must submit quarterly ASTM 1333-96 test data to ARB within seven-days of the end of the quarter. The reporting form must, at a minimum, include:

1. Name, address, and contact information of the manufacturer and their third party certifier;
2. List of composite wood products and amount of panels covered by the specified large-chamber test (e.g., the batch/run numbers produced during the quarter and the test identification number); and
3. A summary table of the small-chamber or desiccator tests performed during the quarter.

(B) *Phase 2 Standards.* Manufacturers must demonstrate compliance with the phase 2 emission standards in subsection (d)(1). This demonstration must be made on or before July 1, 2010 for manufacturers of HWPW and PB, and on or before January 1, 2012 for manufacturers of MDF. For products made with resins with no-added formaldehyde, after a period of six-months in which product emission levels are found to be at or below the prescribed product emission standard (i.e., 0.03 ppm for HWPW, and 0.05 ppm for PB and MDF), manufacturers may request a waiver from future data submissions from the Executive Officer. Subject to written approval by the Executive Officer, the submission of future phase 2-related emissions data may be waived. In their place, manufacturers shall submit a monthly letter documenting their continued production of compliant products made with resins with no-added formaldehyde.

In the event that manufacturers change their resin formulation or modify their press conditions, they must notify ARB and their third party certifier, and resume data submissions until there is sufficient data to establish that the new product complies with phase 2 standards, as determined by the Executive Officer. At a

minimum, emissions test data for each product certified to a phase 2 standard in subsection (d)(1) shall be kept for a period of two years.

(6) Recordkeeping Requirements for Manufacturers of Hardwood Plywood, Particleboard, and Medium Density Fiberboard.

(A) For every panel produced for sale in California, manufacturers must maintain documentation that:

1. Allows each panel produced to be traced to a specific ASTM 1333-96 test that demonstrates compliance with its applicable phase 1 or 2 emission standard specified in subsection (d)(1);
2. Identifies the entity that purchased the panel and the amount purchased; and
3. Identifies the entity that transported the panel to the purchaser.

These requirements can be met if manufacturers follow the structure and requirements of chain-of-custody programs developed for use in the Forest Stewardship Council (Forest Stewardship Council, 2004) or the Sustainable Forest Initiative (Reference).

(B) For each batch/run of product, proof of its measured formaldehyde emission level must be traceable to a specific ASTM 1333-96 test, and listed on a form with a unique manufacturer identification number that also contains, at a minimum, the following information:

1. Manufacturer information (i.e., company name, contact person, address, phone number, email address)
2. Emissions test information (i.e., name of third-party certifier (TPC), TPC information – company name, contact person, phone number, mailing and email addresses, and statement on product invoice which certifies that the shipment of HWPW, PB and/or MDF meets the emission standards in subsection (d)).
3. Product information (i.e., description of the panel (e.g., ½” hardwood plywood) and date of manufacture and batch/run number)
4. Purchaser information (i.e., Purchaser’s name, contact person, address, and phone number, and purchase order or invoice number)
5. Product transporter information (i.e., Delivery company name, contact person, phone number, and address, and shipping invoice number)

(7) *Facility inspections.* Each manufacturing plant is subject to periodic inspection by ARB, local air district officials, or third party certifiers at anytime during the year. In the course of an inspection, ARB or local district officials may audit the chain-of-custody programs used by manufacturers, and secure a sample for emissions testing at an ARB-approved laboratory (Appendix B).

(f) Requirements for Distributors and Importers of Hardwood Plywood, Particleboard, and Medium Density Fiberboard.

(1) *Emission Standards.* Except as provided in the “sell through” provisions of subsection (f)(3), all distributors and importers must comply with the requirements of subsection (d)(1) for all HWPW, PB, MDF panels and finished goods containing these materials that are sold, supplied, offered for sale, or purchased for sale in California.

(2) *Requirements to Purchase Complying Products.* Distributors and importers must take reasonable prudent precautions to insure that the panels and finished goods they purchase are in compliance with the applicable emission standards specified in subsection (d)(1). “Reasonable prudent precautions” include instructing each supplier that the products they supply to a distributor or importer must comply with the applicable emission standards, and obtaining written documentation from each supplier that this is so.

(3) *Sell-through of Composite Wood Products Manufactured Before the Effective Dates of the Phase 1 and Phase 2 Standards.* Composite wood products manufactured before the phase 1 and phase 2 effective dates specified in subsection (d)(1) may be sold, supplied, offered for sale, or used by distributors and importers for up to five months after each of the specified effective dates. The specific sell through dates for the phase 1 and phase 2 standards specified in subsection (d)(1) are as follows:

(A) Hardwood plywood, particleboard, and medium density fiberboard manufactured before July 1, 2008, that does not meet the phase 1 emission standard may be sold, supplied, offered for sale, or used by distributors, importers, or fabricators until November 30, 2008. Beginning December 1, 2008, all composite wood products (i.e., panels and finished goods) sold, supplied, or offered for sale must meet the phase 1 standard regardless of the date on which the products were manufactured.

(B) Hardwood plywood and particleboard manufactured before July 1, 2010 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, offered for sale, or used by the distributors, importers, or fabricators until November 30, 2010. Beginning December 1, 2010, all HWPW and PB (i.e., panels and finished goods) sold, supplied, or offered for sale must

meet the phase 2 standard regardless of the date on which the products were manufactured.

(C) Medium density fiberboard manufactured before January 1, 2012 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, or offered for sale until May 31, 2012. Beginning June 1, 2012, all MDF (i.e., panels and finished goods) sold, supplied, or offered for sale must meet the phase 2 standard regardless of the date on which the products were manufactured.

(4) Product Labeling Requirements for Panels and Finished Goods.

(A) *Panels.* If the HWPW, PB, or MDF panels procured by a distributor or importer are not modified by the distributor or importer, no additional labeling is required. If the goods are modified, distributors and importers would be subject to the labeling requirements specified for fabricators in subsection (g)(4).

(B) *Finished goods containing HWPW, PB, or MDF.* If the finished goods purchased by a distributor or importer are not modified by the distributor or importer, no additional labeling is required. If the finished goods are modified, the distributor or importer must either:

1. Label the modified goods as specified for fabricators in subsection (g)(4), or
2. State on the bill of lading or invoice, that the goods are made with HWPW, PB, or MDF that complies with the applicable phase 1 or phase 2 standard specified in subsection (d)(1).

(5) *Facility inspections.* Distributors and importers are subject to periodic inspection by ARB and/or local air district officials at anytime during the year. In the course of an inspection, ARB or local district officials may audit the records maintained by distributors, importers, and fabricators to document their purchases and sales of ARB-compliant products.

(g) Requirements for Fabricators that use Hardwood Plywood, Particleboard, or Medium Density Fiberboard.

(1) *Emission Standards.* Except as provided in the sell through provisions of subsection (g)(3), all fabricators must comply with the requirements of subsection (d)(1) for all HWPW, PB, MDF, and finished goods containing these materials that are sold, supplied, offered for sale, or purchased for sale in California.

(2) *Requirements to Purchase Complying Products.* Fabricators must take reasonable prudent precautions to insure that the panels and finished goods they

purchase are in compliance with the applicable emission standards specified in subsection (d)(1), and are labeled as compliant with the applicable phase 1 or phase 2 standards in subsection (d)(1). "Reasonable prudent precautions" include instructing each supplier that the products they supply to the fabricator must comply with the applicable emission standards, and obtaining written documentation from each supplier that this is so.

(3) Sell-through of Composite Wood Products Manufactured Before the Effective Dates of the Phase 1 and Phase 2 Standards. Finished goods containing HWPW, PB, or MDF manufactured before the phase 1 and phase 2 effective dates specified in subsection (d)(1) may be sold, supplied, offered for sale by fabricators for up to twelve months after each of the specified effective dates. The specific sell through dates for the phase 1 and phase 2 standards specified in subsection (d)(1) are as follows:

(A) Finished goods containing HWPW, PB, or MDF manufactured before July 1, 2008, that does not meet the phase 1 emission standard may be sold, supplied, or offered for sale by fabricators until June 30, 2009. Beginning July 1, 2009, all finished goods sold, supplied, or offered for sale must meet the phase 1 standard regardless of the date on which the products were fabricated.

(B) Finished goods containing HWPW or PB manufactured before July 1, 2010 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, or offered for sale by fabricators until June 30, 2011. Beginning July 1, 2011, all finished goods sold, supplied, or offered for sale must meet the phase 2 standard regardless of the date on which the products were fabricated.

(C) Finished goods containing MDF manufactured before January 1, 2012 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, or offered for sale until December 31, 2012. Beginning January 1, 2013, all finished goods sold, supplied, or offered for sale must meet the phase 2 standard regardless of the date on which the products were manufactured.

(4) Product Labeling Requirements. Fabricators must either:

1. Label their finished goods containing HWPW, PB, or MDF destined for sale or supply in California by applying a stamp, tag, or bar code. The label shall be applied as a stamp, tag, or bar code on every finished good produced. The label shall include, at a minimum, the fabricator's name and an ARB-designated marking (to be specified) to denote that the product was made with composite wood products compliant with the applicable phase 1 or 2 emission standards in subsection (d)(1). Or,

2. Designate their products as being made with HWPW, PB, or MDF compliant with the standards specified in subsection (d)(1) on bills-of-lading or invoices to retailers or other entities that sell products to the public.

(5) *Facility inspections.* Fabricators are subject to periodic inspection by ARB and/or local air district officials at anytime during the year. In the course of an inspection, ARB or local district officials may audit the records maintained by fabricators to document their purchases and sales of panels and/or finished goods compliant with applicable emission standards specified in subsection (d)(1).

(h) Requirements for Retailers that Sell, Supply, or Offer for Sale, Hardwood Plywood, Particleboard, and Medium Density Fiberboard panels and finished goods containing these panels.

(1) *Emission Standards.* Except as provided in the sell through provisions of subsection (h)(3), all retailers must comply with the requirements of subsection (d)(1) for all HWPW, PB, MDF, and finished goods containing these materials that are sold, supplied, offered for sale, or purchased for sale in California.

(2) *Requirements to Purchase Complying Products.* Retailers must take reasonable prudent precautions to insure that the panels and finished goods they purchase are in compliance with the applicable phase 1 or phase 2 emission standards specified in subsection (d)(1). "Reasonable prudent precautions" include instructing each supplier that the products they supply to the retailer must comply with the applicable emission standards, and obtaining written documentation from each supplier that this is so.

(3) *Sell-through of HWPW, PB, or MDF Panels Before the Effective Dates of the Phase 1 and Phase 2 Standards.* Hardwood plywood, particleboard, or medium density fiberboard panels manufactured before the phase 1 and phase 2 effective dates specified in subsection (d)(1) may be sold, supplied, or offered for sale by retailers for up to 12 months after each of the specified effective dates. The specific sell through dates for the phase 1 and phase 2 standards specified in subsection (d)(1) are as follows:

(A) Hardwood plywood, particleboard, and medium density fiberboard manufactured before July 1, 2008, that does not meet the phase 1 emission standard may be sold, supplied, offered for sale, or used by retailers until May 31, 2010. Beginning June 1, 2009, HWPW, PB, and MDF sold, supplied, or offered for sale must meet the phase 1 standard regardless of the date on which the products were manufactured.

(B) Hardwood plywood and particleboard manufactured before July 1, 2010 that meets the phase 1 standard but does not meet the phase 2 standard

may be sold, supplied, offered for sale, or used by retailers until May 31, 2011. Beginning June 1, 2011, all HWPW and PB panels sold, supplied, or offered for sale must meet the phase 2 standard regardless of the date on which the products were manufactured.

(C) Medium density fiberboard manufactured before January 1, 2012 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, or offered for sale by retailers until November 30, 2012. Beginning December 1, 2012, all MDF panels sold, supplied, or offered for sale must meet the phase 2 standard regardless of the date on which the products were manufactured.

(4) Sell-through of Finished Goods Containing HWPW, PB, or MDF Before the Effective Dates of the Phase 1 and Phase 2 Standards. Finished goods containing HWPW, PB, or MDF manufactured before the phase 1 and phase 2 effective dates specified in subsection (d)(1) may be sold, supplied, offered for sale, or used by retailers for up to 18 months after each of the specified effective dates. The specific sell through dates for the phase 1 and phase 2 standards specified in subsection (d)(1) are as follows:

(A) Finished goods containing HWPW, PB, or MDF manufactured before July 1, 2008, that does not meet the phase 1 emission standard may be sold, supplied, or offered for sale by retailers until December 31, 2010. Beginning January 1, 2010, finished goods containing HWPW, PB, and MDF sold, supplied, or offered for sale must meet the phase 1 standard regardless of the date on which the products were manufactured.

(B) Finished goods containing HWPW or PB manufactured before July 1, 2010 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, offered for sale, or used by retailers until December 31, 2011. Beginning January 1, 2012, all finished goods containing HWPW and PB panels sold, supplied, or offered for sale must meet the phase 2 standard regardless of the date on which the products were manufactured.

(C) Finished goods containing MDF manufactured before January 1, 2012 that meets the phase 1 standard but does not meet the phase 2 standard may be sold, supplied, or offered for sale by retailers until June 30, 2013. Beginning July 1, 2013, all finished goods containing MDF sold, supplied, or offered for sale must meet the phase 2 standard regardless of the date on which the products were manufactured.

(5) Facility inspections. Retailers are subject to periodic inspection by ARB and/or local air district officials at anytime during the year. In the course of an inspection, ARB or local district officials may audit the records maintained by retailers to document their purchases and sales of ARB-compliant products.

(i) Severability.

Each part of this section shall be deemed severable, and in the event that any part of this section is held to be invalid the remainder of this section shall continue in full force and effect.

Note: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, and 41511, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, and 41511, Health and Safety Code.